

TITLE 329 SOLID WASTE MANAGEMENT BOARD

LSA Document #01-207 (SWMB)

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On May 15, 2001, the solid waste management board (board) conducted the first public hearing/board meeting concerning the development of amendments to 329 IAC11. Comments were made by the following:

Ron Pitzer, Eli Lilly and Company (ELC)

Following is a summary of the comments received and IDEM's responses thereto.

Comment: I'm here to request the board to adopt an amendment to the proposed Solid Waste Processing Facility Rule to eliminate an unnecessary paperwork requirement for generator-owned facilities. The legislature required that each Indiana agency review its rules and give interested parties an opportunity to comment on rules that may be outdated or may not be needed any longer. In March of 2000, Lilly submitted comments requesting that 329 IAC 11-14, quarterly tonnage reports for solid waste processing facilities be examined under the Sunset Provision. As stated in those comments, Lilly believes that these reports should not be required for a facility which is owned by the generator of the waste and is limited to use by that person. Indiana statute provides a similar exemption for several different types of reporting relating to solid waste facilities, and such an exemption should be provided to relieve owners of captive solid waste processing facilities, such as the ones owned by Lilly, from the burden of reporting on intracompany transfer of solid waste. In response to Lilly comments which appeared in the April 1, 2001, Indiana Register, IDEM has stated that on site processing facilities or transfer stations are excluded from the current rules and are not required to submit the quarterly tonnage reports. IDEM sought to clarify the rule by amending the current language to require only permitted processing facilities to continue to submit the report. Lilly appreciates this clarification because it would be clear that three of our incineration facilities would no longer be subject to the quarterly tonnage report; however, IDEM would like to continue to require reports for permitted facilities. Because Lilly operates an incineration facility which has a capacity greater than 10 tons per day, we would be required to continue to submit these quarterly reports. Lilly operates a hazardous waste incinerator at our Clinton, Indiana, facility which also has a permit as a solid waste incinerator. We have looked and we've been in discussion with IDEM about the possibility that this facility would be exempt from the requirements of submitting this quarterly report because it's a hazardous waste permitted facility; however, we are under consideration right now to decide whether we want to continue that hazardous waste permit for this facility. So if we no longer have that hazardous waste permit, we'd still be required to submit the report under the Solid Waste Processing Rule. So what we are suggesting is that the quarterly tonnage report should not be required for intracompany transfers. The information provided by the quarterly tonnage report does not seem to be needed for facilities that accept only intracompany waste, regardless of the size of the unit. The reporting requirement was originally intended to track waste shipments between counties in Indiana and receipts from out-of-state generators. There's no need to track intracompany transfers of waste that we can tell. Lilly submitted proposed language with its recent comments to address this issue. We urge the board to incorporate that language into the preliminarily adopted rule. This proposed change will make it clear that such reports are not required for generator-owned incineration facilities and will save Lilly an unnecessary administrative and paperwork burden. (ELC)

Response: A change has been made at 329 IAC 11-14 so that a permitted on-site incinerator will only be required to report annually. A definition of on-site incinerator was added to that section.